

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL VICTORIAN,

Case No. 2:20-cv-01972-GMN-NJK

Plaintiff,

ORDER

v.

GITTERE, et al.,

Defendants.

On August 31, 2021, this Court entered a screening order permitting some of Plaintiff's claims to proceed against Defendants Jacob Rowley and John Doe. (ECF No. 5 at 8-9.) The Court stayed the case for 90 days to give Plaintiff and the Defendants an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (*Id.* at 9.) The Court directed the Office of the Attorney General to notify the Court whether it would enter a limited notice of appearance on behalf of the Defendants for the purpose of settlement. (*Id.* at 10.)

On September 21, 2021, the Office of the Attorney General filed a notice informing the Court that it has attempted to contact Rowley via the U.S. Mail, but it has not received a response. (ECF No. 6.) The Office of the Attorney General stated that it will continue with its efforts to contact Rowley, but that it is not authorized to make an appearance on his behalf unless he consents to representation. (*Id.*)

It is not clear from the notice whether Rowley remains a state employee, who is currently out on leave or otherwise unavailable, or what other means it will use to attempt to reach Rowley in the future. The Court now orders the Office of the Attorney General to file a notice with the Court within 30 days explaining whether it has succeeded in reaching Rowley, whether he remains a state employee, and whether it has a last known address for him.

If the Office of the Attorney General cannot make an appearance on Rowley's behalf, but it has a last known address for Rowley, it shall file, under seal, but shall not

1 serve the inmate Plaintiff, Rowley's last known address. If Rowley's last known address
2 is a post office box, the Office of the Attorney General shall attempt to obtain and provide
3 Rowley's last known physical address.

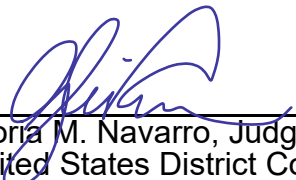
4 If the Office of the Attorney General does not enter a notice of appearance within
5 30 days, the Court will issue an order that: (1) removes this case from the early inmate
6 mediation program, (2) rules on the application to proceed in forma pauperis, and (3)
7 begins the service process with the U.S. Marshal's Office.

8 For the foregoing reasons, **IT IS ORDERED** that:

9 1. Within 30 days from the date of this order, the Office of the Attorney General
10 shall file a notice with the Court explaining whether it has succeeded in reaching
11 Defendant Rowley, whether he remains a state employee, and whether it has a last known
12 address for him.

13 2. If the Office of the Attorney General will not appear on Rowley's behalf, but
14 it does have a last known address for him, within 30 days the Office of the Attorney
15 General shall file, under seal, but shall not serve the inmate Plaintiff, Rowley's last known
16 address. If Rowley's last known address is a post office box, the Office of the Attorney
17 General shall attempt to obtain and provide the last known physical address.

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19 DATED THIS 22 day of September 2021.

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22 _____
23 Gloria M. Navarro, Judge
24 United States District Court
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